

REMARKS

Claims 1 and 3-18 are pending in the application.

Claim 2 had been cancelled without prejudice.

Claims 1 and 3-18 have been rejected.

Reconsideration of the Claims is respectfully requested.

I. Rejection under 35 U.S.C. § 103(a)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142, p. 2100-134 (8th ed., rev. 3, August 2005) (citations omitted).

(a) Claims 1, 3-8, and 16-18 were rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application No. 2002/10138622 A1 to Dorenbosch et al. ("Dorenbosch"), in view of Viola US Patent Application No. 2003/0058813 to Viola et al. ("Viola").

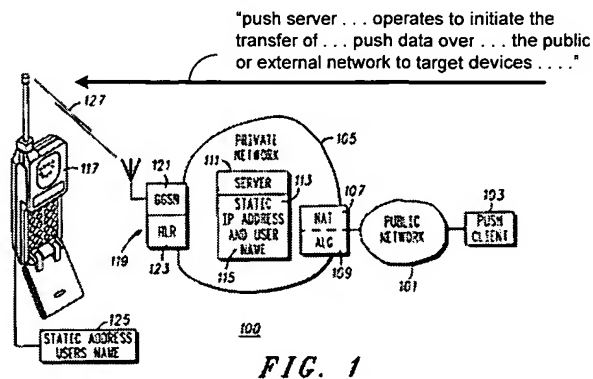
(b) Claims 9-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Viola in view of Dorenbosch.

Dorenbosch relates to a "private network [that] is supplied with or allowed to use a small, relative to the population of units within the network, number of public addresses." (Dorenbosch ¶ 0004). In providing this mechanism, the boundary network device of Dorenbosch deploys "network address translation at the boundary between the private and public networks [where] one of these public addresses can be dynamically associated with a private address thus allowing an external host or client to establish a session with a unit within the private network." *Id.* That is, Dorenbosch does not implement a method or apparatus with a dynamic host configuration protocol server. The Office Action notes the omission in Dorenbosch to this point. (*see* Office Action at p. 3, ¶ 3).

The Office Action then sought to rely on Viola recites "[m]obile stations or handsets [that] may connect to the internet to activate certain applications through various servers. To access the

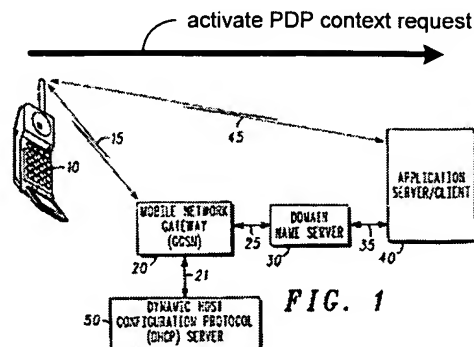
internet, an Internet Protocol address is required.” (Viola Col. 1:9-11). The “[m]obile station or handset 10 transmits a Packet Data Protocol (PDP) context activation 15 to get a dynamic Internet Protocol address from mobile network gateway (MNG) 20 (for GPRS services that is the Gateway GPRS Support Node or GGSN).” (Viola Col. 1:54-57). That is, allocation of a dynamic IP address, having a limited-time of validity, is by the mobile station, not the network.

Applicant respectfully submits that Dorenbosch and Viola each relate to disparate communication techniques. For example, Figure 1 of Dorenbosch (*see also* Dorenbosch ¶ 0016) recites static IP address and user name access techniques by a push client 103:



As shown, the private network 105 of Dorensboch relates to static IP address usage.

Viola relates to a “handset 10 [that] transmits a Packet Data Protocol (PDP) context activation 15 to get a dynamic Internet Protocol address from mobile network gateway (MNG) 20” (Viola Col. 1:54-57). Viola seeks to allow a mobile node 10 to access a server for application functions, as illustrated from Figure 1 of Viola:



In Viola, the “[h]andset 10 transmits an active PDP context request to the MNG 20.” That is, the handset initiates communication with the network. Further, the application server/client 40 of Viola is not a push server, as noted in the Office Action (*see* Office Action at p. 7).

Applicant respectfully submits that motivation to combine Dorensboch and Viola improperly stems from Applicant’s claimed invention. As the Federal Circuit has noted, “an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’” *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) (quoting *Sensonics, Inc. v. Aerosonic Corp.*, 81 F.3d 1566, 1570 (Fed. Cir. 1996)). The “motivation to combine” needs to show “reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.”

Applicant respectfully submits that a *prima facie* case of obviousness has not been established.

Applicant’s amended Claim 1 recites “method in a network for wireless communications for pushing data through a data packet network utilizing a dynamic addressing scheme, comprising: transmitting, from a push server to a domain name server (“DNS”), a look up signal for a specified domain name; transmitting a reservation signal from the DNS to a dynamic host configuration protocol (“DHCP”) server to prompt the DHCP to reserve a dynamic IP address that pertains to the specified domain name, wherein the specified domain name corresponds to a mobile terminal; receiving the reserved dynamic IP address at the push server; and activating a context, based upon the reserved dynamic IP address, through the data packet network.” (emphasis added).

Applicant’s Claim 16 recites a “domain name server, comprising: circuitry for receiving a domain name lookup request from a push server to determine an IP address that corresponds to a received domain name; and circuitry for transmitting a request to a DHCP dynamic host

configuration protocol (“DHCP”) server to prompt it to temporarily reserve a dynamic IP address for delivery of push data to a mobile terminal.”

Applicant’s Claim 9 recites, *inter alia*, a “method in a Gateway GPRS Support Node for pushing data through a data packet network utilizing a dynamic addressing scheme, comprising: receiving a reserved dynamic IP address and push data from a push server; transmitting a request for identification (“ID”) information to a DHCP server relating to the reserved dynamic IP address;” (emphasis added)

Applicant’s Claim 12 recites, *inter alia*, a “gateway GPRS support node (GGSN), comprising: circuitry for receiving push data in a data packet network, wherein the push data includes a reserved dynamic Internet Protocol (“IP”) address; and circuitry for prompting a DHCP dynamic host configuration protocol (“DHCP”) server to provide ID identification (“ID”) information that corresponds to the reserved dynamic IP address prior to a context being activated.” (emphasis added).

There is no suggestion or motivation, and lack of teaching or suggestion for all of Applicant’s claim limitations either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the network boundary device of Dorenbosch and the static-IP-address mobile terminal device of Viola to achieve Applicant’s claimed invention as set out in Claim 1 and Claims 3-8 that depend directly or indirectly therefrom, and Claim 16 and Claims 17 and 18 that depend directly or indirectly therefrom, or to modify Viola in view of Dorenbosch to achieve Applicant’s claimed invention as set out in Claim 9 and Claims 10 and 11 that depend directly or indirectly therefrom, or as set out in Claim 12 and Claims 13-15 that depend therefrom. Applicant respectfully requests that the rejection to these claims be withdrawn.

2. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claim 1 and 3-18 are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ksmith@texaspatents.com.

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Response filed September 8, 2006
Reply to Office Action mailed June 8, 2006

Docket No. 14441RRUS01U

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126 (ref. 14441RRUS01U).

Respectfully submitted,

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